

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Before the Board of Patent Appeals and Interferences

APPLICANT: BAR ET AL.  
EXAMINER: MICHAEL Y. MAPPA  
SERIAL NO.: 10/597,623  
DOCKET NO: CM06381EI  
CONF NO: 2617

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October 25, 2010

**APPEAL BRIEF FOR APPELLANT  
UNDER 37 C.F.R. §1.191**

Assistant Commissioner for Patents and Trademarks  
Washington DC, 20231

1. REAL PARTY IN INTEREST

The real party in interest in this appeal is Motorola, Inc.

## 2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

## 3. STATUS OF CLAIMS

Claim	Status
1	Cancelled
2	Cancelled
3	Cancelled
4	Cancelled
5	Cancelled
6	Cancelled
7	Cancelled
8	Cancelled
9	Cancelled
10	Cancelled
11	Cancelled
12	Cancelled
13	Cancelled
14	Cancelled
15	Cancelled
16	Cancelled
17	Cancelled
18	Cancelled
19	Cancelled
20	Rejected and Appealed
21	Rejected and Appealed
22	Rejected and Appealed
23	Rejected and Appealed
24	Rejected and Appealed
25	Rejected and Appealed
26	Rejected and Appealed

27	Rejected and Appealed
28	Rejected and Appealed
29	Rejected and Appealed
30	Rejected and Appealed
31	Rejected and Appealed
32	Rejected and Appealed
33	Rejected and Appealed
34	Rejected and Appealed
35	Rejected and Appealed
36	Rejected and Appealed
37	Rejected and Appealed
38	Rejected and Appealed
39	Rejected and Appealed

#### 4. STATUS OF AMENDMENTS

An amendment amending certain of claims 20-39 was filed on February 23, 2010 in order to overcome 35 U.S.C. §103(a) rejections of claims 20-39 in a non-Final Office Action. A final Office Action mailed June 10, 2010 rejected claims 20-39 under 35 U.S.C. §103(a) using new references.

#### 5. SUMMARY OF CLAIMED SUBJECT MATTER

Mobile stations (MSs) are able to communicate in either a trunked mode operation (TMO) or a direct mode operation (DMO). In TMO, the communication passes through an infrastructure such as base stations, repeaters, controllers et al. The infrastructure controls and manages communication resources and provides frequency and timing synchronization for the MSs. In DMO, MSs communicate with each other without using the infrastructure and thus must provide similar functionality of the infrastructure without having the same resources as the infrastructure. However, a not insignificant amount of TMO functionality, even if highly desirable, is extremely difficult to replicate in DMO.

The present invention provides one such TMO facility in DMO: scan functionality for a DMO talk group. This has been problematic as the current DMO communication methodology breaks a chain of information/command because a DMO MS monitors and connects only over one channel at a time – it does not monitor activity from other channels while monitoring a specific channel.

Claim 20 recites a method for radio communication that comprises the mobile station (110; Fig. 1; page 5, lines 14-20):

- maintaining at least a first communication group set comprising an ordered list of two or more user groups (Group A; Group B; Group C; Fig. 1; page 5, lines 14-20) for the purpose of scanning for radio frequency activity among at least some of the groups, each of the user groups communicating by a European Telecommunications Standard Institute (ETSI) direct mode communication on an

associated direct mode radio frequency channel for the group, the direct mode radio frequency channels using different radio frequency carriers;

- conducting a surveillance procedure that includes periodically sampling each of the direct mode radio frequency channels to determine if there is any radio frequency activity comprising a direct mode communication amongst each group on the direct mode radio frequency channel (page 6, lines 18-26), and
- determining whether to switch to a different direct mode radio frequency channel through selection by a user of the mobile station (110; page 5, lines 14-20) when radio frequency activity on the different direct mode radio frequency channel is determined independent of the relative priorities of the direct mode communications.

Claim 30 is directed towards a mobile station (110; Fig. 1; page 5, lines 14-20) that comprises:

- storage means storing at least a first direct mode group set comprising an ordered list of two or more user groups (Group A; Group B; Group C; Fig. 1; page 5, lines 14-20) together with their respective associated direct mode radio frequency channels, for the purpose of scanning for alternative direct mode radio frequency activity among at least some of the groups, the direct mode radio frequency channels using different radio frequency carriers (page 15, lines 26-33);
- wherein the mobile station is operable, for those groups in the ordered list whose radio frequency channel state is free or unknown, to conduct a channel surveillance procedure wherein each of the direct mode radio frequency channels associated with the groups of the ordered list is sampled periodically to determine if there is any radio frequency activity comprising an ETSI direct mode communication and to switch to a different direct mode radio frequency channel through selection by a user of the mobile station when radio frequency activity on the different direct mode radio frequency channel is determined independent of the relative priorities of the direct mode communications (page 6, lines 18-26).

6.        **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to be reviewed upon appeal are:

- The rejection of claims 20-33 and 36-39 under 35 U.S.C. §103(a) as being unpatentable over Souissi et al. (U.S. Patent Publication No. 2002/0075941; “Souissi”) in view of TETRA STANDARDS and Aragones et al. (U.S. Patent Publication No. 2003/0152055).
- The rejection of claims 34-35 under 35 U.S.C. §103(a) as being unpatentable over Souissi, TETRA STANDARDS, and Aragones in view of Iwamura (U.S. Patent Publication No. 2004/0184406).

7.        **ARGUMENT**

(i) *Rejections under 35 USC 112 first paragraph:*

None

(ii) *Rejections under 35 USC 112, second paragraph:*

None

(iii) *Rejections under 35 USC §102:*

None

(iv) *Rejections under 35 USC §103(a):*

**(A) Claim 20**

Claim 20 recites a communication method for group-related communications. A mobile station maintains an ordered list of multiple user groups that is used for scanning for ETSI direct mode activity among at least some of the groups, which each communicate using different RF channels. The mobile station periodically samples each channel to determine if there is a direct mode communication on that channel. Depending on user selection, the mobile station may be switched to a different channel. This selection is independent of the relative priorities of the direct mode communications on the different channels.

Generally, the method of claim 20 enables multiple associations to co-exist, each one using a dedicated RF resource, while defining protocol mechanisms that enable

detection of the other associations and the ability to join the detected activity if desired. Souissi is directed towards an entirely different problem, reducing message collisions, and solution for that problem. More specifically, Souissi discloses a method of reducing collisions for ad-hoc Bluetooth networks that share a common resource (RF spectrum) (see, e.g., abstract, paragraph [0031]). The ad-hoc networks project hopping patterns into the future in an effort to anticipate collisions and attempt to avoid the collisions. For this ability, priority allocations are provided to stop messages from the potentially colliding networks or a temporarily increase in error correction for the networks is instituted (see, e.g., paragraph [0019]). In particular, the mobile station scans frequency hopping channels as set by a master's sequence to find/sync with an existing piconet (see, e.g., paragraph [0020]). This is entirely different from the recited method of claim 20.

Applicant respectfully disagrees with the statement in item 4, page 3, of the Final Office Action. The Final Office Action on page 3 cites to paragraphs [0043], [0053], [0084] and [0090] of Souissi as disclosing maintaining the group set (which has the ordered list of user groups) of claim 20 for scanning for RF activity among the groups and sampling the direct mode channels (Final Office Action, item 4, page 3). The same paragraphs are used in the paragraph bridging pages 3 and 4 to provide the basis for the Final Office Action insisting that Souissi disclose ETSI direct mode communications.

However, the cited paragraphs of Souissi disclose that the mobile station scans each of a set of frequency hopping channels for different piconets. However, neither a piconet nor a channel used by the piconet is a user group (although a user group is associated with a channel). User groups have a specific meaning to one of skill in the art, a meaning that is used by the instant specification. Thus, whether or not particular frequencies used by different piconets are scanned by Souissi, Souissi does not disclose an ordered list of user groups.

The Final Office Action states, again in the paragraph bridging pages 3 and 4, that the mobile station 29 is a member of different piconets 19, 20 in Souissi. The Final Office Action thus equates adhoc networks as direct mode communications. Again, this is not correct. Adhoc refers to the manner in which communications are established (not prearranged, members can join/leave). Direct mode has a specific meaning in the art,

again, a meaning that is used in the instant specification. Specifically, DMO describes the manner of communications between devices (directly between devices as opposed to trunked in which communications are routed through the infrastructure) (see, e.g., paragraph bridging pages 1-2 of the instant application).

Although the Examiner is entitled to give terms in the claims their broadest reasonable interpretation during examination, any interpretation must be consistent with the specification as well as being with the interpretation that those skilled in the art would reach. (*Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)). In the present case, the interpretations of direct mode communication and user group are neither compatible with the manner in which the terms are employed in the specification nor compatible with the interpretation that those skilled in the art would reach.

In *Ex parte* TECHNOFIRST S.A, Appeal 2009-010931, March 5, 2010, the issue centered around the term “complex polynomial function.” In reversing the Examiner, who defined the term as employing complex numbers (a wholly different interpretation from the manner in which it was used in the specification), the Board held that “while giving claim terms their broadest reasonable interpretation is correct and proper, such interpretations need to be made in view of the specification. See *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005). With such a standard, we do not find the Examiner’s alternate interpretations to be consistent with the instant Specification... [t]he Examiner [had] provided nothing to counter his opinion other than a finding of the plain meaning of the term... While “complex” can certainly connote complex numbers, we find no support for such a contention in the Specification.” The use of “direct mode communication” and “user group” in the instant specification is similar.

*In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993), which is often cited, is inapplicable as the issue in *In re Van Geuns* revolved around the term “uniform magnetic field.” Unlike the terms used in the instant application, which are commonly known to one of skill in the art, there is no standard definition of “uniform magnetic field” for one of skill in the art. Nor was a definition in *In re Van Geuns* ever provided in the specification. Van Geuns attempted to read an NMR limitation of the

specification to define this term in the claim, which prompted the CAFC holding. However, this holding is not germane to the instant application as standard definitions of the terms direct mode communication and user group exist and are well known in the art.

Moreover, Souissi is directed primarily towards Bluetooth protocols, with an indication that other short range protocols with comparable features may be used. Direct mode TETRA is not such a protocol - the protocol means, physical limitations, algorithms and the surveillance procedures are entirely different and may not be modified in a similar manner as Souissi. Even though the Final Office Action in the paragraph bridging pages 4-5 cites to the TETRA standard, as explicitly explained in the instant specification (see, e.g., page 2, lines 4-12; page 4, lines 8-30), a mobile station following the TETRA standard *only* addresses one channel and is consequently ignorant of any other TETRA activity that might be taking place on another RF channel, even if that activity may be of interest to the user of the mobile station.

Thus, the combination of references, even if able to be combined and individually showing particular parts of the claim (which they do not), further requires substantial modification of communications in line with the TETRA standard to enable the method of claim 20.

Turning now to Aragonés, Aragonés is directed towards correcting for degraded audio caused by different problems (see, paragraphs [0004]-[0006]) to enable call conferencing using Bluetooth devices (see, e.g., abstract, [0013]-[0015]). To this end, Aragonés discloses adding a “switch box” that combines multiple inputs to produce an output and thus can switch between different channels (see, e.g., abstract, [0009]-[0020]). The Final Office Action (in item 4, page 5) specifically cites paragraph [0041] as disclosing user selection to determine whether to switch to a different direct mode channel when radio frequency activity on the different direct mode radio frequency channel is determined. Besides the above point that Aragonés does not disclose direct mode channels, the cited paragraph of Aragonés only describes an authentication process that prompts the user to select a particular piconet. Aragonés does not disclose that the user selection is prompted specifically by activity on another channel.

Moreover, as is clear, Aragones is directed to switching between different active channels for call conferencing. Soussi, on the other hand, is directed towards avoiding conflict by, e.g., having devices in a lower priority piconet not transmit during predicted collision times. Not only are the problems being solved entirely dissimilar, in addition the solutions are entirely different, as well as being conflicting. In particular, there is no explanation why one of skill in the art would combine Soussi, who discloses suspending transmissions to avoid conflict, with Aragones, who discloses continuing transmissions of multiple calls for call conferencing. Furthermore, it is apparent that even if combined, the features of the disparate references would occur at different times and under different conditions.

As is well known, the reasoning for a combination must be clearly articulated to avoid the effects of hindsight, i.e., a rejection based on piecemeal components. The contexts of the references thus become important as it sets the background for such reasoning. The Supreme Court stated (in Graham v. John Deere Co., 383 U.S. 1, 36 (1966)) and the CAFC has repeatedly made clear that using inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability is the essence of hindsight, which is impermissible. (See, e.g., Innogenetics, N.V. v. Abbott Labs (Fed. Cir. 2008), Ecolchem, Inc. v. So. Cal. Edison Co., 227 F.3d 1361, 1371-72 (Fed. Cir. 2000), as well as many other cases). In the latest Supreme Court case on this topic, *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007), the court cautioned against using disparate elements without having solid reasoning as to how and why one of skill in the art would and could combine such elements. In particular, KSR states:

As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity*

*will be combinations of what, in some sense, is already known.* (KSR, 127 S. Ct. at 1740, 82 USPQ2d at 1396). [Emphasis added]

In *Ex parte* HALDAR et al. (Feb. 1, 2010), the BPAI affirmed that the rejection cannot be maintained if there is no objective teaching in the prior art nor general knowledge generally available to one of ordinary skill in the art that would have led to the invention or why the specific problem needed to be solved. Moreover, in *In re* LEE (CAFC 2002), the CAFC rejected the contention that general conclusory statements adequately address the issue of motivation to combine, firmly stating that motivation is not to be resolved on subjective belief and unknown authority. Citing W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983), the court reiterated that “[i]t is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to “[use] that which the inventor taught against its teacher.”” In the Final Office Action, the motivation to apply Soussi to TETRA communications is conclusory with no evidence that how or why one of skill in the art would or could alter the TETRA standards to achieve the same results as Soussi. Similar reasoning applies to the combination of Soussi with Aragones.

In the instant application, various limitations of claim 20 are not being construed in a manner consistent with the art and the instant specification, there is no motivation for one of skill in the art to combine the various references, there are missing limitations in claim 20, even if able to be combined, and the activities of the references would occur at different times and if it were furthermore desired to combine the elements of the references so as to modify Soussi using certain elements disclosed Aragones, extensive further modification would be necessary to adapt the techniques of Soussi and Aragones to TETRA-based systems.

For at least these reasons, the method of claim 20 is patentable over the cited references.

#### **(B) Claim 30**

For at least similar reasons as those presented in relation to claim 20, the mobile station of claim 30 is patentable over the cited references.

### **(C) Dependent claims**

Claims 21-29 and 31-39 are dependent on allowable claims 20 and 30 respectively. Thus, claims 21-29 and 31-39 are patentable without more. In addition however, the Final Office Action continues to insist (and takes official notice) that merely because the TETRA DMO specifications state some requirement, that one of skill in the art would be able to produce a specific embodiment that complies with the standard. This is far from the case. Merely because a standard exists does not automatically confer to one of skill in the art the ability to create a method that complies with the standard. For example, certain references in the Final Office Action, such as that to TETRA 4.3.2 and 8.4.2.1 on pages 6 and 7, are not related to the disclosure. TETRA 4.3.2 describes call setup, which has nothing to do with activity when a call is ongoing. TETRA 8.4.2.1 relates to multiplexing of several channels, which is also entirely different from the method presented in the various claims (which recite surveillance and switching).

As it is apparent that the cited TETRA portions are irrelevant to the features recited in the claims, Applicant respectfully requested an affidavit that regarding specifics for each claim limitation as required by MPEP 2144.03. The affidavit must describe the level of one of skill in the art as well as how and why each specific limitation recited in the claim would be obvious to one of skill in the art. The Examiner has declined to do so and has otherwise declined to further how to effect the cited limitations. For example (for convenience, only claims dependent on independent claim 20 are discussed, but similar arguments exist with regard to claims 31-40, which depend on independent claim 30):

Claim 22 recites that samples of at least some consecutive group radio frequency channels whose state is free or unknown are conducted in a single frame. The Office Action insists that multiplexing is common to share resources. However, the claim does not recite that the method generally uses multiplexing – it recites specific sampling that occurs within a particular time period. Neither the TETRA standard nor the cited reference Shrinidhar (which describes extending fiber/LAN across digital subscriber lines by multiplexing – i.e., again an entirely different system architecture and method) disclose the specific limitations recited in this claim. Again, merely pointing out that

multiplexing is a common technique and may be provided in a completely different technological area is not equivalent to one of skill in the art being able to achieve the result of multiplexing in a particular scenario – especially when Applicant has already indicated that such a feature is problematic in DMO.

Similarly, claim 23 recites that if there is currently no group activity on any of the surveyed channels, then a first master mobile station initiating a call or service to start on any of the groups determines a physical and logical time division pattern for all surveyed channels. The Office Action points to a section of the TETRA standard that has to do with linearization of the transmitter and clearly has nothing to do with determining the time division pattern for all channels (let alone that this occurs if there is no group activity on any channel).

Claim 26 recites that each master mobile station making a direct mode call transmits a presence signal in a specific time slot of the time division pattern to indicate the group to which that direct mode call relates. The Final Office Action points to a section of the TETRA standard (4.3.4) that has to do with a pre-emption request. This request, which is used to preempt calls, has nothing to do with a presence signal that specifies the group to which the direct mode call relates. Nor do the cited passages of Soussi disclose a specific presence signal.

Claims 27-29 further disclose elements specific to TETRA timeslots that are not provided in the TETRA standard. Nor, as it does not disclose TETRA communications, does Souissi disclose the specific elements of the timeslots recited.

As noted above, the Office Action states that the TETRA standard discloses features that are deliberately not specified in the standard. None of the uses of the timeslots recited in the claims is described in the TETRA standard. Nor would one of skill in the art look to Bluetooth protocols to determine how to use the timeslots (and in particular used the timeslots in the specific manner recited in the claims). The procedures recited in claims 24-29 are not in any way referred to by the TETRA standard. This is a classic case of using hindsight to arrive at the specific embodiments recited in the instant claims as it is clear that nothing in the TETRA standard provides how to use the timeslots in the manner recited in the claims to provide the desired results described.

For at least these reasons the dependent claims are independently patentable over the cited references.

(i) *Further Rejections:*

None

## CONCLUSION

In summary, the pending claims recite various methods and apparatuses related to enabling a DMO talk group scan functionality. The rejection of these claims under 35 U.S.C. §103(a) cannot not stand since the cited references fail to teach or otherwise suggest the elements of the pending claims. Accordingly, all claims are allowable over the cited references.

Respectfully Submitted,  
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## CLAIMS APPENDIX

10/597,623

Filed: August 1, 2006

1-19 (cancelled)

20. (Previously Presented) A method of radio communication comprising:

at a mobile station:

maintaining at least a first communication group set comprising an ordered list of two or more user groups for the purpose of scanning for radio frequency activity among at least some of the groups, each of the user groups communicating by a European Telecommunications Standard Institute (ETSI) direct mode communication on an associated direct mode radio frequency channel for the group, the direct mode radio frequency channels using different radio frequency carriers; and

conducting a surveillance procedure that includes periodically sampling each of the direct mode radio frequency channels to determine if there is any radio frequency activity comprising a direct mode communication amongst each group on the direct mode radio frequency channel,

determining whether to switch to a different direct mode radio frequency channel through selection by a user of the mobile station when radio frequency activity on the different direct mode radio frequency channel is determined independent of the relative priorities of the direct mode communications.

21. (Previously Presented) The method according to claim 20 wherein each of the direct mode radio frequency channels is sampled to detect a presence signal indicating presence of a particular group associated with the direct mode channel on the direct mode channel.

22. (Previously Presented) The method according to claim 20 wherein samples of at least some consecutive group radio frequency channels whose state is free or unknown are conducted in a single frame.

23. (Previously Presented) The method according to claim 20 wherein if there is currently no group activity on any of the surveyed channels, then a first master mobile station initiating a call or service to start on any of the groups determines a physical and logical time division pattern for all surveyed channels.

24. (Previously Presented) The method according to claim 23 wherein all mobile stations other than the first master mobile station detecting the first call or service synchronise to the time division pattern, adopting the same frame and slot numbering as the first master mobile station.

25. (Previously Presented) The method according to claim 24 wherein each master mobile station making a direct mode call transmits a presence signal in a specific time slot of the time division pattern to indicate the group to which that direct mode call relates.

26. (Previously Presented) The method of direct mode radio communication according to claim 25 wherein the specific time slot in which a particular master mobile station transmits the associated presence signal is related to a position within the ordered list of the group that the particular master mobile station is communicating with.

27. (Previously Presented) The method of direct mode radio communication according to claim 26 wherein the specific time slot in which the particular master mobile station transmits is within a TERrestrial Trunked RAdio (TETRA) request bit map associated frame related to the position within the ordered list of the group that the particular master mobile station is communicating with.

28. (Previously Presented) The method of direct mode radio communication according to claim 26 wherein the particular master mobile station signals all call or service recipients that the TERrestrial Trunked RAdio (TETRA) request bit map associated time slots are not available for random access requests.

29. (Previously Presented) The method of direct mode radio communication according to claim 26 wherein any slave or idle mobile station surveys a specific time slot on a

relevant channel to determine if there is any radio frequency activity, the specific time slot channel being related to the position within the ordered list of the group that the slave or idle mobile station is currently surveying.

30. (Previously Presented) A mobile station comprising:

storage means storing at least a first direct mode group set comprising an ordered list of two or more user groups together with their respective associated direct mode radio frequency channels, for the purpose of scanning for alternative direct mode radio frequency activity among at least some of the groups, the direct mode radio frequency channels using different radio frequency carriers;

wherein the mobile station is operable, for those groups in the ordered list whose radio frequency channel state is free or unknown, to conduct a channel surveillance procedure wherein each of the direct mode radio frequency channels associated with the groups of the ordered list is sampled periodically to determine if there is any radio frequency activity comprising a European Telecommunications Standard Institute (ETSI) direct mode communication and to switch to a different direct mode radio frequency channel through selection by a user of the mobile station when radio frequency activity on the different direct mode radio frequency channel is determined independent of the relative priorities of the direct mode communications.

31. (Previously Presented) The method of direct mode radio communication according to claim 20 wherein the surveillance procedure is performed independent of whether the mobile station is in an idle state or whether the mobile station is participating as a listener in a direct mode communication.

32. (Previously Presented) The method of direct mode radio communication according to claim 20 further comprising permitting the mobile station to join a call from any group for which direct mode communication was detected by the surveillance procedure as a listener or to initiate a call to members of the detected group.

33. (Previously Presented) The method according to claim 21 wherein when the mobile station is active in a call or service, the mobile station samples one of the direct mode radio frequency channels to detect the presence signal during each currently unassigned time slot.

34. (Previously Presented) The method according to claim 33 wherein the time slot in which each presence signal is transmitted is dependent on a position within the ordered list of the groups, a unique mapping existing between the time slot and the position within the ordered list of groups.

35. (Previously Presented) The method according to claim 33 when if the number of groups exceeds the number of currently unassigned time slots, the mobile station samples one of the direct mode radio frequency channels to detect the presence signal during a time slot normally reserved for slave or idle but occupied mobile stations.

36. (Previously Presented) The method according to claim 33 wherein the mobile station only listens to direct mode radio frequency channels of groups to which the mobile station is entitled to join.

37. (Previously Presented) The method according to claim 20 wherein each slave and idle mobile station listens to a different direct mode radio frequency channel during a time slot assigned to that direct mode radio frequency channel for a presence signal indicating activity in a group associated with that direct mode radio frequency channel, the time slots being different for each direct mode radio frequency channel.

38. (Previously Presented) The method according to claim 20 wherein a master mobile station, having initiated a call, listens to a different direct mode radio frequency channel during a time slot assigned to that direct mode radio frequency channel for a presence signal indicating activity in a group associated with that direct mode radio frequency channel, the time slots being different for each direct mode radio frequency channel.

39. (Previously Presented) The method according to claim 20 wherein a master mobile station, having initiated a call, listens to the same direct mode radio frequency channel during different time slots for a presence signal indicating activity in a particular group, each group associated with a unique time slot.

## EVIDENCE APPENDIX

None

## RELATED PROCEEDINGS

None